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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

GENE R. EMPEY,	)	
	)	
Plaintiff,	)	
	)	No.
vs.	)	
	)	
COLLECTCORP CORPORATION,	)	
	)	
Defendant.	)	
	)	JURY DEMANDED

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332, and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant(s) perpetrated therein.

PRELIMINARY STATEMENT

2. This action is instituted in accordance with and to remedy Defendant's violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and of related state law obligations brought as supplemental claims hereto.

3. In 2007, Defendant initiated a campaign of abusive, unfair, unreasonable, and unlawful debt collection activity directed against Plaintiff in Las Vegas, Nevada.

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PARTIES

6. Defendant, Collectcorp Corporation, is a foreign corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Birmingham, Alabama, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. Section 1692a(6).

7. Plaintiff(s) repeat, reallege and assert all factual allegations contained in the preliminary statement to this Complaint and reassert them as incorporated in full herein.

8. On December 15, 2007, Plaintiff advised Defendant in writing to cease all contact (Exhibit 1).

9. Defendant received Exhibit 1 on December 27, 2007 (Exhibit 2).

10. Notwithstanding, Defendant continued to call and dun Plaintiff.

1 11. Defendant's February 26, 2008, letter is attached as  
2 Exhibit 3.

3 12. Exhibit 3 was sent in clear violation of FDCPA §  
4 1692c(c).

5 13. The foregoing acts and omissions of Defendant were  
6 undertaken by it willfully, maliciously, and intentionally,  
7 knowingly, and/or in gross or reckless disregard of the rights of  
8 Plaintiff.

9 14. Indeed, the foregoing acts and omissions of Defendant  
10 were undertaken by it indiscriminately and persistently, as part of  
11 its regular and routine debt collection efforts, and without regard  
12 to or consideration of the identity or rights of Plaintiff.

13 15. As a proximate result of the foregoing acts and omissions  
14 of Defendant, Plaintiff has suffered actual damages and injury,  
15 including, but not limited to, stress, humiliation, mental anguish  
16 and suffering, and emotional distress, for which Plaintiff should  
17 be compensated in an amount to be proven at trial.

18 16. As a result of the foregoing acts and omissions of  
19 Defendant, and in order to punish Defendant for its outrageous and  
20 malicious conduct, as well as to deter it from committing similar  
21 acts in the future as part of its debt collection efforts,  
22 Plaintiff is entitled to recover punitive damages in an amount to  
23 be proven at trial.

24 CAUSES OF ACTION

25 COUNT I

26 17. The foregoing acts and omissions of Defendant constitute  
27 violations of the FDCPA, including, but not limited to, Sections  
28 1692c, 1692d, 1692e and 1692f.

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1 18. Plaintiff is entitled to recover statutory damages,  
2 actual damages, reasonable attorney's fees, and costs.

3 COUNT II

4 19. The foregoing acts and omissions constitute unreasonable  
5 debt collection practices in violation of the doctrine of Invasion  
6 of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.  
7 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of*  
8 *Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

9 20. Plaintiff is entitled to recover actual damages as well  
10 as punitive damages in an amount to be proven at trial.

11 JURY DEMANDED

12 Plaintiff hereby demands trial by a jury on all issues so  
13 triable.

14 WHEREFORE, Plaintiff prays that this Honorable Court grant the  
15 following relief:

- 16 1. Award actual damages.  
17 2. Award punitive damages.  
18 3. Award statutory damages of \$1,000 pursuant to 15 U.S.C.  
19 § 1692k.  
20 4. Award reasonable attorney fees.  
21 5. Award costs.  
22 6. Grant such other and further relief as it deems just and  
23 proper.

24 Respectfully submitted,  
25 

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**Gene R. Empey**  
**1892 Napoleon Drive**  
**Las Vegas, NV 89156**

December 15, 2007

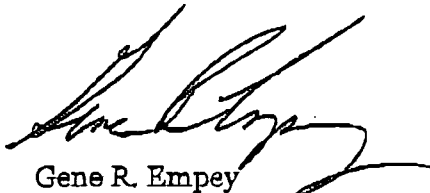
Collectcorp  
P.O. Box 100789  
Birmingham, AL 35210-0789

Re: Collection Letter

To Whom It May Concern:

Concerning your letter of December 4, 2007 (enclosed), I offer you the following:

I hereby demand you cease and desist in any further communication to me regarding this matter.



Gene R. Empey

**EXHIBIT 1**

702647667

**SENDER COMPLETE THIS SECTION**

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
■ Print your name and address on the reverse so that we can return the card to you.  
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Collect Card*  
*P.O. Box 100785*  
*Birmingham, AL*  
*35210-0785*

2. Article Number  
(Transfer from service label) *7* 7006 0810 0003 3692 7882

PS Form 3811, February 2004 Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *DAVID C HARDY* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ G.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

405005-02-11-1510

EXHIBIT 2

USPS - Track &amp; Confirm

Page 1 of 1

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7006 0810 0003 3892 7882  
Status: Delivered

Your item was delivered at 8:56 AM on December 27, 2007 in  
BIRMINGHAM, AL 35210.

[Track & Confirm](#)

Enter Label/Receipt Number.

### Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Govt Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

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No FEAR Act EEO Data

FOIA

Used by permission  
Marking, Inc.Used by permission  
Marking, Inc.

P.O. Box 100789  
Birmingham, AL 35210-0789



71-073620066WA022608



**COLLECTCORP**

800-678-3052

Our hours of operation are  
Mon - Thu 8:00am to 11:00pm EST  
Fri, 8:00am to 5:00pm and Sat 8:00am to 2:00pm EST

1 - 12894-26  
Gene Empey  
1892 Napoleon Dr  
Las Vegas, NV 89156-7184

00320



Date: February 26, 2008  
Reference #: AME 71-073620066  
Client Name: American Express - Ccsg Lending  
Medium 1  
Account #: 372346458721005  
Amount Owing: \$9,538.11

### PAYMENT PLAN PROPOSAL

Dear Sir/Mme.,

You have been advised previously that your account has been placed with Collectcorp Corporation for collection.

After reviewing your delinquent account we would like to give you an opportunity to propose a monthly installment plan that is more suited to your financial situation. If payment is not made, collection efforts as well as interest will continue on this account.

Please contact our office to take advantage of this opportunity to bring your account to a conclusion, by paying your account over time. There are several methods of repayment available. Contact our representative to choose one that meets your needs.

Should you have any questions concerning your repayment proposal or your account, please call MR. AHMADPOUR at (866) 251-2396.

This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.

Please Detach and Return This Portion with Payment

Gene Empey  
1892 Napoleon Dr  
Las Vegas, NV 89156-7184



Pre-Authorized — Auto Pay [ ]

Routing No. \_\_\_\_\_

Name of Bank \_\_\_\_\_

Check No. \_\_\_\_\_

Account No. \_\_\_\_\_

Name of Account Holder \_\_\_\_\_

Signature \_\_\_\_\_

Payment Amount \$ \_\_\_\_\_

COLLECTCORP CORPORATION  
455 North 3rd Street, Suite 260  
Phoenix, AZ 85004-3924

Reference #: AME 71-073620066  
Company: Collectcorp Corporation (Loc. 71)



**EXHIBIT 3**

WA0304

By mailing your check you authorize Collectcorp to debit your account, one time for the amount of the check, via an electronic funds transfer (EFT). Funds may be withdrawn from your account as soon as the same day payment is received. In the event your check is returned unpaid for insufficient or uncollected funds, we may re-present your check. Your check will not be returned by your financial institution.